

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHELLE HOWELL,

Plaintiff,

v.

SHADYWOODS,

Defendant.

CASE NO. C23-5143 BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge Theresa L. Fricke's Report and Recommendation (R&R), Dkt. 10, recommending the Court dismiss plaintiff Michelle Howell's complaint without prejudice and without leave to further amend. Judge Fricke previously granted Howell *in forma pauperis* status, but ordered her to file an amended complaint correcting various deficiencies in her initial complaint. Dkt. 7. Howell filed an amended complaint. Dkt. 9. Judge Fricke's R&R correctly determined that the amended complaint did not cure the deficientness and still failed to state a plausible claim. Dkt. 10.

A district court "shall make a de novo determination of those portions of the report or specified proposed finding or recommendations *to which objection is made.*" 28

1 U.S.C. § 636(b)(1)(C) (emphasis added); *accord* Fed. R. Civ. P. 72(b)(3). “The statute  
2 makes it clear that the district judge must review the magistrate judge’s findings and  
3 recommendations de novo *if objection is made*, but not otherwise.” *United States v.*  
4 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). A proper objection requires  
5 “specific written objections to the proposed findings and recommendations” in the R&R.  
6 Fed. R. Civ. P. 72(b)(2).

7 Plaintiff Howell has not objected to the R&R. Accordingly, she is not entitled to  
8 have the Court review any portion of the R&R de novo. *See* 28 U.S.C. § 636(b)(1)(C);  
9 Fed. R. Civ. P. 72(b)(3); *Reyna-Tapia*, 328 F.3d at 1121. Therefore,

- 10 (1) The R&R is **ADOPTED**;
- 11 (2) Plaintiff Howell’s complaint is **DISMISSED** without prejudice;
- 12 (3) Howell’s *in forma pauperis* status shall **NOT** continue in the event of an  
13 appeal; and
- 14 (4) The Clerk shall enter a **JUDGMENT** and close the case.

15 **IT IS SO ORDERED.**

16 Dated this 18th day of September, 2023.

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19 BENJAMIN H. SETTLE  
20 United States District Judge  
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